



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
Oregon Coast Branch
2900 Stewart Parkway
ROSEBURG, OREGON 97471

Refer to NMFS No:
WCRO-2019-03632

January 28, 2020

John Justin
Supervisory Biological Scientist, Nursery Manager
J. Herbert Stone Nursery
2606 Old Stage Road
Central Point, Oregon 97502

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for U.S. Forest Service J. Herbert Stone Nursery Pesticide Use

Dear Mr. Justin:

This letter responds to your December 16, 2019 request for concurrence from the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the Endangered Species Act (ESA) for the subject action. Your request qualified for our expedited review and concurrence because it met our screening criteria and contained all required information on your proposed action and its potential effects to listed species and designated critical habitat.

We reviewed your consultation request document and related materials. Based on our knowledge, expertise, and the materials you provided, we concur with your conclusions that the proposed action is not likely to adversely affect Southern Oregon Northern California Coast coho salmon and designated critical habitat.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). A complete record of this consultation is on file electronically at the Oregon Coast Branch in Roseburg, Oregon.



Reinitiation of consultation is required and shall be requested by the U.S. Forest Service, or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) the proposed action causes take; (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the written concurrence; or (4) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including conservation measures and any determination you made regarding the potential effects of the action. This review was pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation. In this case, NMFS concurred with the U.S. Forest Service determination that the proposed action would not adversely affect EFH, thus, consultation under the MSA is not required for this action.

Please direct questions regarding this letter to Michelle McMullin, fish biologist in the Oregon Coast Branch, at 541.957.3378.

Sincerely,



Eric Murray
Acting Oregon Coast Branch Chief
Oregon Washington Coastal Office

cc: Shawna Bautista, USFS
John Chatel, USFS
Diana Perez, USFS